

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

No. 2706

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**Introduced by Assembly Member Roger Hernández**

February 21, 2014

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An act to amend Section 5411 of the Health and Safety Code, relating to sanitation; add Section 49452.9 to the Education Code, relating to health care coverage.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2706, as amended, Roger Hernández. ~~Sewers.~~ Schools: health care coverage.

Existing law requires the governing board of a school district to make rules for the physical examination of pupils that will ensure proper care of the pupils and proper secrecy with regard to any defect noted. Existing law allows the parent or legal guardian having control or charge of any child enrolled in a public school to annually file a statement in writing, signed by the parent or legal guardian, that he or she will not consent to an examination of his or her child. Existing law requires a pupil, while enrolled in kindergarten in a public school, or while enrolled in first grade in a public school if the pupil was not previously enrolled in kindergarten in a public school, to present proof, no later than May 31 of the school year, of having received an oral health assessment by a licensed dentist or other licensed or registered dental health professional operating within his or her scope of practice that was performed no earlier than 12 months prior to the date of the initial enrollment of the pupil.

Existing law, the federal Patient Protection and Affordable Care Act (PPACA), requires an applicable individual to ensure that he or she,

and any dependent of that individual, is covered under minimum essential coverage for each month beginning after 2013.

This bill would require a parent or legal guardian of a pupil enrolling in transitional kindergarten, kindergarten, or first grade, to make a written disclosure stating whether the pupil is covered by health care coverage that constitutes minimum essential coverage under PPACA. The bill would require the parent to provide proof of the pupil's health care coverage and would require a school district to make a reasonable effort to direct the parent or legal guardian of a pupil who is not covered by minimum essential coverage under PPACA to the necessary resources to obtain that coverage. The bill would require a public school to provide a specified written notice to the parent regarding the use of this information. The bill would authorize the State Department of Education to develop a standardized template for this written disclosure and would require the department to make the template available on its Internet Web site and provide written copies to a school district upon request.

By requiring schools and school districts to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law prohibits a person from discharging sewage or other waste, or the effluent of treated sewage or other waste, in any manner that will result in contamination, pollution, or a nuisance.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 49452.9 is added to the Education Code,  
2     to read:

1     49452.9. (a) Commencing with the 2015–16 school year, upon  
2 first enrollment of a pupil into transitional kindergarten,  
3 kindergarten, or first grade in a public school, including a charter  
4 school, the parent or legal guardian of the pupil shall make a  
5 written disclosure stating whether the pupil is either of the  
6 following:

7     (1) Covered by health care coverage. The parent or legal  
8 guardian shall provide proof of this coverage and indicate one of  
9 the following:

10    (A) He or she believes that this coverage constitutes minimum  
11 essential coverage under Section 5000A of the federal Internal  
12 Revenue Code.

13    (B) He or she is not sure whether this coverage constitutes  
14 minimum essential coverage under Section 5000A of the federal  
15 Internal Revenue Code.

16    (2) Not covered by health care coverage that constitutes  
17 minimum essential coverage under Section 5000A of the federal  
18 Internal Revenue Code. The parent or legal guardian shall disclose  
19 whether he or she believes that the pupil is exempt from the  
20 requirement under Section 5000A of the federal Internal Revenue  
21 Code to maintain minimum essential coverage.

22    (b) A public school shall provide a written notice to the parent  
23 or legal guardian making the disclosure required under subdivision  
24 (a) that the information provided will only be used for the purpose  
25 of determining whether the parent or legal guardian of a pupil  
26 should be directed to other resources for the purpose of obtaining  
27 health care coverage for the pupil. This requirement shall be  
28 deemed satisfied if the school uses the template developed under  
29 subdivision (e).

30    (c) With respect to a pupil who, according to the disclosure  
31 under subdivision (a), may not be covered by health care coverage  
32 that constitutes minimum essential coverage under Section 5000A  
33 of the federal Internal Revenue Code, the school district shall make  
34 a reasonable effort to direct the parent or legal guardian of the  
35 pupil to the resources necessary to obtain affordable health care  
36 coverage for the pupil that constitutes minimum essential coverage  
37 under Section 5000A of the federal Internal Revenue Code.

38    (d) A school district shall not discriminate against a pupil who  
39 does not have health care coverage or prevent a pupil from

1 enrolling based on the pupil's lack of health care coverage or  
2 inability to provide proof of health care coverage.

3 (e) The State Department of Education may develop a  
4 standardized template for the written disclosure required by this  
5 section. If the department develops that template, the department  
6 shall make the template available on its Internet Web site and  
7 shall, upon request, provide written copies of the template to a  
8 school district. A template developed pursuant to this subdivision  
9 shall include a statement indicating that the information disclosed  
10 shall only be used for the purpose of determining whether a parent  
11 or legal guardian of a pupil should be directed to other resources  
12 for the purpose of obtaining health care coverage for the pupil.

13 SEC. 2. If the Commission on State Mandates determines that  
14 this act contains costs mandated by the state, reimbursement to  
15 local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.

18 ~~SECTION 1. Section 5411 of the Health and Safety Code is~~  
19 ~~amended to read:~~

20 ~~5411. No person shall discharge sewage or other waste, or the~~  
21 ~~effluent of treated sewage or other waste, in any manner that will~~  
22 ~~result in contamination, pollution, or a nuisance.~~